



RECORDS RETENTION SCHEDULE

DEPARTMENT OF PUBLIC ADVOCACY

Schedule Date: September 1980

Change Date: March 2002



Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

Printed with State Funds

RECORDS RETENTION SCHEDULE

Signature Page

Department of Public Advocacy
Agency
Trial/Post-Trial Services
Unit

September 1980
Schedule Date
March 2002
Change Date
March 14, 2002
Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Erwin W. Smith
Agency Head Public Advocate

3/06/02
Date of Approval

Neil Thomas
Agency Records Officer

3/07/02
Date of Approval

Richard H. Felder
State Archivist and Records Administrator
Director, Public Records Division

3/13/02
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

3/14/02
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Deanna Moses
Records Analyst/Regional Administrator

3/14/02
Date of Approval

Jim Ingle
Appraisal Archivist

3/13/02
Date of Approval

Deanna Moses
State/Local Records Branch Manager

3/14/02
Date of Approval

The determination as set forth meets with my approval.

Ed L. Hutchins
Auditor of Public Accounts

3/14/02
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Schedule Date: September 01, 1980

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection and Regulation
Public Advocacy
Administrative Services

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
03070	Contract/County File (C) SCR 3.130 - Canon 4 of ABC Code Change Date: 6/12/1986 (V)	This series documents the contractual agreement entered into by the Department and local officials to administer public defender programs. KRS 31.050 provides for the allotment of funds by the Department to counties within the Commonwealth for establishment and operation of services. It records the disbursement of funds to the programs, types of expenditures, and the amount of funds recouped from services being paid by the defendant. Funds are disbursed on a quarterly basis based upon allocations made each fiscal year. Contracts remain in effect as long as there is a public defender program within a specific county. They are updated as parties change or the terms of the contract change.	Series may contain: contract - all changes, deletions, additions to contract; other documents - correspondence stating the annual allotment, disbursement to county officials of quarterly funds, distribution of recouped funds, affidavits of poverty, copies of court calendars, copies of court orders, recoupment reports reflecting how much money has been collected and returned to county when defendant has paid for a portion of the services received, documents requesting reimbursement by defendant where applicable, attorney/client correspondence	Agency: P	Records Center:	Archives Center: Purge and destroy fiscal support documents after seven years. Retain remainder of file permanently

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons

Series	Records Title and Description	Function and Use	Contents	Retention		
				Disposition Instruction		
01507	Attorney Appeal Litigation Case File - (Any information from the Investigator's Case File (01510) should be combined to make a complete client record for transfer to the Archives system) (C) SCR 3.130 - Canon 4 of ABC Code Change Date: 3/12/1986 (V)	This series documents an action taken by a Department attorney in the representation of needy people accused of crimes or mental conditions, when a client requests that the jurisdiction of his case be moved to an appellate court. It provides for further review of a client's record for use in litigation and protection of the rights of the developmentally disabled who may become incarcerated or confined.	Series may contain: appellant's initial brief; appellee's brief; appellant's reply brief; petition for rehearing; court opinion; motion for discretionary review; attorney's personal memoranda and worksheets; correspondence with client and witnesses	Agency: I	Records Center: 30	Archives Center:
				Transfer to the State Records Center two years after case closure		
03622	Death Sentence Case Files (C) SCR 3.130 - Canon 4 of ABC Code and CR 26.06 (3) Change Date: 3/8/1990 (V)	This series documents an attorney's preparation of material for litigation in cases where a person has been given a death penalty conviction. The Department provides legal representation to all needy persons accused or convicted of crimes throughout the criminal justice system, as provided for in KRS 31.110. Pursuant to KRS 532.025 of the Kentucky Penal code, definition is provided for those cases in which the death penalty may be imposed. It would prove to be valuable to the attorney should a decision be reversed in later court actions (The death penalty is automatically appealed to the Kentucky Supreme Court.)	Series may contain: briefs; motions; pleadings; depositions of expert evidence; police investigation information; photographs; correspondence forms; interview sheets of witnesses	Agency: I	Records Center:	Archives Center: P
				Transfer to the State Archives Center five years after case closure		
03057	Attorney's Death Penalty Appeal Litigation File (C) CR 26.02 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990 (V)	This series documents the attorney's preparation of materials for litigation in a death penalty case, per representation of needy persons, as provided for in KRS 31.010 and 31.115. It is created as a result of death sentences received from Circuit Court convictions. The process can go back and forth between State, Federal and Supreme Courts where decisions may be reversed and/or appealed. The time span involved with one case is often several years, or a lifetime. The case would remain open until 1) an execution takes place or 2) a decision is commuted to a lesser sentence. Note: The Department was created in 1972. During the period from December 1972 to December 1976, capital punishment was declared unconstitutional.	Series may contain: appellant's initial brief; appellee's brief; appellant's reply brief; petition for rehearing; court opinion; motion for discretionary review; attorney's personal memoranda and worksheet; correspondence with client and witness	Agency: I	Records Center:	Archives Center: P
				Transfer to the State Archives Center two years after case closure		
01511	Deputy Assistant Public Advocate's System for Docket Control of Appellate Caseload			Agency: I	Records Center:	Archives Center:
				Destroy when no longer useful		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons

Series	Records Title and Description	Function and Use	Contents	Retention		
				Disposition Instruction		
01512	Deputy Assistant Public Advocate's Operations Miscellany and Legal Correspondence, Responses to Requests for Defender Services			Agency: 1	Records Center:	Archives Center:
				Destroy when no longer useful		
01513	Seminar Work Files			Agency: 1	Records Center:	Archives Center:
				Destroy when no longer useful		
01514	Case Report Forms Change Date: 3/1/1981			Agency: 3	Records Center:	Archives Center:
				Destroy		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons
Inmate Assistance, Central Office Administratio

Retention

Series	Records Title and Description	Function and Use	Contents	Disposition Instruction		
01517	Index Card System for Tracking Post Conviction Services to Inmates			Agency: I	Records Center:	Archives Center:
				Destroy when no longer useful		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons
Investigative

Retention

Series	Records Title and Description	Function and Use	Contents	Disposition Instruction		
01510	Investigator's Case Files - Circuit Court (C) CR 26.06 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/1/1990 (V)	This series documents an investigator's gathering of information and material for an attorney in preparation for litigation. KRS. 31.110 provides for legal law representation in all 120 counties to all needy persons accused or convicted of crimes punishable by loss of liberty or a fine of \$500 or more and all needy persons faced with involuntary commitments due to their mental state or condition.	Series may contain: copies of subpoenas; witness interviews; client interviews; correspondence; memoranda; photographs; investigator case opening form (identifies the activity on the case by the investigator); summary report of investigation	Agency: I	Records Center: 28	Archives Center:
				Transfer to the State Records Center two years after investigator activity for cases has ceased		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons
Library, Central Office Administration

Retention

Disposition Instruction

Series	Records Title and Description	Function and Use	Contents			
01515	Attorney's Appeal Litigation Briefs - (Retain in agency under control of the Library check-out system) (May include appellant's initial brief; appellee's brief; appellant's reply brief; petition for rehearing; court opinion; motion for discretionary review) (C) CR 26.06 (3) and SCR 3.130 - Canon 4 of ABC Code			Agency: P	Records Center:	Archives Center:
				Retain in agency		
01516	Master Card Index of Briefs - (Index cards in alphabetic sequence showing: name of accused, case number, name of attorney, dates of filings)			Agency: I	Records Center:	Archives Center:
				Destroy when case file is destroyed		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons
Post Conviction Services

Retention

Series	Records Title and Description	Function and Use	Contents	Disposition Instruction		
01508	Attorney Post Conviction Service File Closed Date: 3/1/1990 (C) SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990	Closed Series: This series documented complaints registered by inmates, which were sent to the Department with a request for an attorney. The types of complaints registered were: treatment by staff; condition of prison; time served not credited; and medicine not given at correct time. Two new series replace the information, Attorney Post Conviction Service File - No Court Action (03631) and Attorney Post Conviction Service File - Court Action (03623).	Series may contain: parole or probation revocation document; detainees; institutional complaints; attorney complaints; counseling interviews; attorney's personal memoranda and worksheets; court pleadings; investigative reports and court documents	Agency: I	Records Center: 30	Archives Center:
				Transfer to the State Records Center four years after assistance activity for the inmate has ended, or when the		
03623	Attorney Post Conviction Service File - Court Action (C) CR 26.02 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990	This series documents an attorney's activity on an inmate complaint, in preparation for litigation. It is initiated when an inmate registers a complaint which is sent to the Department with a request for an attorney. The types of complaints registered may be: treatment by staff; condition of prison; time served not credited; medicine not given at correct time. The complaints develop into cause for litigation.	Series may contain: institutional complaints; attorney complaints; counseling interviews; attorney's personal memoranda and worksheets	Agency: I	Records Center: 28	Archives Center:
				Transfer to the State Records Center two years after case closure		
03631	Attorney Post Conviction Service File - No Court Action (C) CR 26.02 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990	This series documents complaints registered by inmates which are sent to the Department with a request for an attorney. The types of complaints registered may be: treatment by staff; condition of prison; time served not credited; or medicine not given at correct time. The complaints do not develop into cause for litigation. The response taken by an attorney (phone calls or memorandum) may or may not be documented.	Series may contain: institutional complaints; attorney complaints; counseling interviews; attorney's personal memoranda and worksheets	Agency: I	Records Center:	Archives Center:
				Destroy four years after inmate assistance activity is completed, or when the inmate has served the sentence and is released, whichever comes first		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation
Public Advocacy
Legal Defense of Indigent Persons
Trial Services

Retention

Series	Records Title and Description	Function and Use	Contents	Disposition Instruction		
01509	Attorney's District and Circuit Court Litigation Case Files - Closed Date: 3/8/1990 (C) CR 26.02 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990 (V)	Closed Series: This series documented the attorney's preparation of material for litigation in District and Circuit Court cases. KRS 31.113 provides for the defense to needy persons accused or convicted of crimes punishable by fines of \$500 or loss of liberty.	Series may contain: complaints; answers; discovery pleadings; interrogatories; briefs; depositions of expert evidence; police investigation information; photographs; correspondence forms; interview sheet of witnesses; exhibits	Agency: I	Records Center: 20	Archives Center:
				Transfer to the State Records Center two years after case closure		
03621	Attorney Litigation Case File - District Court (C) CR 26.02 (3) and SCR 3.130 - Canon 4 of ABC Code Change Date: 3/8/1990 (V)	This series documents an attorney's activity and work product in preparation for litigation in District Court. KRS-31.113 provides for defense to needy persons accused or convicted of crimes punishable by fines of \$500 or loss of liberty. The District Court has limited jurisdiction and hears cases where the maximum fine would be \$10,000 and the maximum jail term 12 months. Note: The Circuit Court has appellate jurisdiction over District Court Cases.	Series may contain: complaint; answers; discovery pleading; notice of depositions; request for production of documents; interrogatories; motions; transcripts; exhibits; memoranda; correspondence	Agency: I	Records Center:	Archives Center:
				Destroy three years after case closure		
03632	Attorney's Litigation Case File - Circuit Court (C) SCR 3.130 - Canon 4 of ABC Code and Cr 26.02 (3) Change Date: 3/8/1990 (V)	This series documents the attorney's preparation of materials for litigation on a Circuit Court case. Circuit Court has general jurisdiction of cases regardless of the fine imposed or possible length of incarceration. The Department provides legal representation to all needy persons accused or convicted of crimes throughout the criminal justice system, as provided for in KRS-31.110. A needy person, as defined in KRS 31.100, is a person who at the time his need is determined is unable to provide payment of an attorney and all other necessary expenses of representation. The need initiates the creation of the file.	Series may contain: briefs; motions; pleadings; complaint; answers; depositions of expert evidence; police investigation; photographs; correspondence forms; interview sheet of witnesses	Agency: I	Records Center: 28	Archives Center:
				Transfer to the State Records Center two years after case closure		
05330	Violent Offender Case File - (With sentences greater than 30 years) (C) SCR 3.130 Change Date: 3/14/2002 (V)	This series documents the attorney's preparation of materials for litigation for a Circuit Court case and an appellate court case. Circuit Court has general jurisdiction of cases, regardless of the fine imposed or possible length of incarceration. The Department is mandated by law (KRS 31.110) to provide legal representation to all needy persons accused or convicted of crimes at all levels of the criminal justice system. A needy person is defined in KRS 31.100 as "a person who at the time their need is determined is unable to provide for payment of an attorney." The Kentucky Constitution Section 115 also provides the right of at least one appeal to another court.	Series may contain: Briefs; motions; pleadings; complaint; answers; depositions of expert evidence; investigation reports; photographs; correspondence; interview sheet of witnesses; orders; items secured as a result of discussion; various records and reports	Agency: I	Records Center: P	Archives Center:
				Transfer to the State Records Center two years after case closure		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation

Public Advocacy

Protection and Advocacy for the Developmentally Disabled

Retention

Series	Records Title and Description	Function and Use	Contents	Disposition Instruction
01519	Protection and Advocacy Client's Files (C) SCR 3.130, Canon 4 of ABC Code			<div>Agency: I</div> <div>Records Center: 30</div> <div>Archives Center:</div> <div>Transfer to the State Records Center four years after protection and advocacy efforts have ended</div>